

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARY KEARNEY LOVING, as agent for :
Al Loving :

Plaintiff, :
:
-against- :

GEORGE RICHARD N'NAMDI, formerly :
a Michigan corporation doing :
business in Illinois doing business :
as G.R. N'Namdi Galleries, Inc., :
G-R N'NAMDI, LTD., :
G.R. N'NAMDI GALLERIES, INC., :
GEORGE N'NAMDI GALLERIES, INC. :
KEMBA N'NAMDI & ASSOCIATES, :
N'NAMDI HOLDINGS LLC, and :
JUMAANE N'NAMDI :

Defendants. :
-----x

REPORT & RECOMMENDATION
05 Civ. 7966 (JGK) (MHD)

TO THE HONORABLE JOHN G. KOELTL, U.S.D.J.:

On September 25, 2006, the Court held a conference with the parties in the above-captioned case. At that time, plaintiff was directed to show good cause for her failure to serve defendants G-R N'Namdi, Ltd., Kemba N'Namdi & Associates LLC, and N'Namdi Holdings LLC within 120 days of the filing of the amended complaint as required under Fed. R. Civ. P. 4(m). The plaintiff was directed to provide this explanation by October 2, 2006 in order to prevent dismissal of her claims against these defendants.

The deadline for such a filing has passed with no response by plaintiff. We therefore recommend that the complaint be dismissed

without prejudice as to these unserved defendants. See Fed. R. Civ. P. 4(m).

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Denise L. Cote, Room 1040, and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York, 10007-1312. Failure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. See Thomas v. Arn, 474 U.S. 140, 152 (1985); DeLeon v. Strack, 234 F.3d 84, 86 (2d Cir. 2000) (citing Small v. Secretary of Health and Human Services, 892 F.2d 15, 16 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: New York, New York
October 10, 2006

SO ORDERED.



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been mailed today to:

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